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**MEMORANDUM OF UNDERSTANDING
BETWEEN THE DEPARTMENT OF DEFENSE
AND THE DEPARTMENT OF ENERGY ON
OBJECTIVES AND RESPONSIBILITIES
FOR JOINT NUCLEAR WEAPON ACTIVITIES**

I. Identification of Parties. This memorandum of understanding (MOU) is entered into between the Department of Defense (DOD) and the Department of Energy (DOE).

II. Purposes and Objectives. This MOU supplements previous agreements. The purposes of this MOU are to reaffirm mutual objectives; delineate responsibilities; implement measures to improve nuclear weapon stockpile planning and acquisition; and ensure continued high-level attention to nuclear weapon safety, security, control and classification. The basic objectives of the two Departments continue to be to: (1) provide a safe, secure, and militarily effective nuclear weapon stockpile, and (2) conduct an aggressive research and development effort to ensure technological superiority and meet future national security needs.

III. Background. The complementary responsibilities of the DOD and the DOE set forth below are derived from the Atomic Energy Act of 1954, as amended, and include understandings from current agreements--principally the 1953 Agreement Between the Atomic Energy Commission and the Department of Defense for the Development, Production, and Standardization of Atomic Weapons--and precedent over more than three decades of agency working arrangements.

IV. Conduct of Responsibilities

A. The DOD and the DOE each has responsibility for fostering the technology base by conducting research and pursuing the investigation of new and innovative concepts for the weapons related application of nuclear energy and related technology.

B. The DOD is responsible for determining the military requirements for, and the acceptability of, nuclear weapons and for developing and producing delivery systems.

C. The DOE is responsible for producing nuclear materials and for developing, testing, producing, and assuring the reliability of nuclear weapons. However, the DOD and DOE have complementary responsibilities for developing certain nonnuclear components of nuclear weapons. The division of responsibility is, to the extent permitted by law, by joint agreement between the DOD and the DOE on each weapon or class of weapons.

D. The DOD and the DOE are jointly responsible for preparing the Nuclear Weapons Stockpile Memorandum through which the President provides production consent and direction in accordance with the Atomic Energy Act.

E. The obligation of the DOD and the DOE to protect public health and safety provides the basic premise for dual-agency judgment and responsibility for safety, security and control (S²C) of nuclear weapons. This check-and-balance role shall continue. The DOD and the DOE share the responsibility for:

1. Identify and resolve health and safety problems connected with nuclear weapons. In particular, the DOE has a continuing responsibility to participate with the DOD in the consideration of these health and safety problems for nuclear weapons in DOD custody.
2. Prevent unauthorized use of a nuclear weapon through the use of positive control measures. In general, the DOD establishes operational requirements and develops and implements procedures to ensure control of nuclear weapons while the DOE develops control hardware features. The DOD and the DOE jointly participate in assessing the effectiveness of control features.
3. Determine the adequacy and effectiveness of physical security measures and to coordinate their efforts including exchanging technical and operating data. Physical security--the prevention of unauthorized access to nuclear weapons and nuclear weapons parts--is primarily the responsibility of the Department having custody.

V. Initiatives

The DOD and the DOE recognize the need for further cooperation to meet national objectives and fulfill responsibilities at affordable cost. Accordingly, the DOD and the DOE agree to take the following actions:

- A. To the maximum extent possible, coordinate nuclear weapon acquisition programs within the DOD system acquisition process and provide the DOE member participation in this process--only when nuclear weapon acquisition is involved--to ensure that military requirements and design objectives consider total weapon system cost/performance tradeoffs.

B. Couple more closely the two Departments' planning, programming, and budgeting activities--by exchanging relevant documents, jointly assessing resource impacts, and coordinating dealings with the Office of Management and Budget, the National Security Council, and the Congress--to provide long-term nuclear weapon stockpile planning and efficient use of development and production resources.

C. Jointly devote attention to strengthening the nuclear weapon and nuclear effects technology base and provide timely communication of anticipated needs and technological opportunities.

D. Strengthen dual-agency, high-level oversight and attention to critical areas of interest such as the increasingly important subject of S2C of nuclear weapons, through measures which include joint policy and program review groups, when appropriate.

VI. Implementation. The Under Secretary of Defense for Research and Engineering, the Assistant to the Secretary of Defense (Atomic Energy), the Under Secretary of Energy and the Assistant Secretary of Energy for Defense Programs will be responsible for implementing the initiatives in V.

VII. Effective Date. This MOU is effective when signed by both Departments, and it shall remain in effect until modified in writing upon mutual agreement of the parties or until terminated by either party upon written notice to the other.

Department of Defense

Date

13 DEC 1982

By:

James H. Montgomery

Department of Energy

Date:

January 17, 1983

By:

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